CAUSE # 4:2016cv01431

Dr. Michael (Mikhail) Tyurin, *Plaintiff,*	§	In the United States District Court
	§	Texas Houston Division
v.	§	515 Rusk St.
	§	Houston, TX 77002
B & H PHOTO VIDEO PRO AUDIO LLC, Akerman, LLP, *Defendants*	§	

United States Courts
Southern District of Texas
FILED
JUL 08 2016
David J. Bradley, Clerk of Court

PLAINTIFF'S MOTION TO DISMISS THE CASE WITHOUT PREJUDICE

TO THE HONORABLE JUDGE OF THIS COURT:

Comes Now Dr. Michael (Mikhail) Tyurin, Plaintiff *pro se* herein, and files this Motion to Dismiss the Case without Prejudice, and would respectfully show unto the Honorable Court the following:

1. Plaintiff is unable to cover legal representation costs in Federal Court as per the attached Affidavit of Indigence;

2. Plaintiff is unable to act *pro se* due to deadly illness Defendants 1 and 2 have inflicted in Plaintiff by their extreme and outrageous conduct via severe damage to Plaintiff's business due process. Said illness prevents Plaintiff even from making phone calls at the times of frequently now re-occurring strokes which Plaintiff cannot predict and during which becomes unable to speak and move any body parts even to call for help / answer his door to the Ambulance workers/ the HPD;

3. Recently, as the attached July 2016 Exhibit shows, Plaintiff has developed multiple swellings and open wounds on his feet and ankles which makes his walking a nightmare and a substantial challenge due to the associated with that pain and suffering. It now takes Plaintiff 30 min to get to his car parked just in about 90 ft from his apartment on the 2nd floor, along with that which is a separate issue how to get back to that apartment now. These days, the one way travel from the Bank of America garage to 515 Rusk Street Federal Court House building may take Plaintiff up to 30 min now. With this slow moving

speed based on the Plaintiff's walking near the walls for the body support, Plaintiff is not aware now how to cross the street in this disabled situation without additional help.

4. Inflicted by Defendants 1 and 2 Plaintiff's deadly illness (strokes) along with the frequent leg infection leading to legs amputation in just a few hours depending on how fast Plaintiff would end up on the surgeon table after gets infected after passing through the metal detector at the courthouse barefoot with his open wounds facing dirty floor (Diabetes II), might prevent Plaintiff from participating in the ordered by Honorable Court conference on July 22, 2016 at 09:00 AM. However, Plaintiff will honestly try to comply with that Honorable Court Order with the added option that the Ambulance may be called by the Honorable Court to rush Plaintiff to the legs amputation table – should Plaintiff would feel increase of the fever and pain in the Court room after passing though the metal detector.

5. Plaintiff feels his civil rights were deprived since Plaintiff these days lost the ability to continue representing himself *pro se* physically (above) due to inflicted by Defendants 1 and 2 severe and deadly to Plaintiff's illnesses and Plaintiff's inability to hire the attorney for represent him at the Federal Court (attached Affidavit of Indigence).

WHEREFORE PREMISES CONSIDERED, Plaintiff, Dr. Michael (Mikhail) Tyurin, prays the Honorable Court order dismissal of this case without prejudice.

Respectfully submitted,

____

Dr. Michael (Mikhail) Tyurin,

P.O. Box 300819

Houston, TX 77230

mtyurin@yahoo.com

2294168994

Plaintiff *pro se*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by U.S. Mail, certified mail, return receipt requested, pursuant to the Federal Rules of Civil Procedure 26f on this day of July 07, 2016.

Respectfully submitted,

____

Dr. Michael (Mikhail) Tyurin
P.O. Box 300819
Houston, TX 77230
Plaintiff *pro se*

CC: B & H Photo Video Pro Audio LLC,
420 9th Avenue
New York, NY 10001

BCC_1: Akerman LLP
2001 Ross Ave, Ste 2550
Dallas, TX 75201
6618 Bob O Link Dr.
Dallas, TX 75214

Strictly Confidential and Privileged

AFFIDAVIT OF INDIGENCE

Comes now DR. MICHAEL (MIKHAIL) V. TYURIN, and respectfully shows to the District Court of Harris County, Texas, the following:

1. Pursuant to Rule 145 of TRCP, DR. MICHAEL (MIKHAIL) V. TYURIN (Affiant hereafter), DOB 0*/2*/1963, Texas DL ending at *129, SSN ending at *976, residing at 7930 Corporate Dr # 48, Houston, TX 77036, files this AFFIDAVIT OF INDIGENCE to pay Court costs, attorney fees & any other legal expenses.
2. Affiant is a victim of organized crime reported to FBI, and in addition to that has his identity stolen (CV51C0158734). He suffered substantial direct financial damages in 2013 - 2015 only exceeding $165,000 cash loss from all his bank accounts caused by criminal activity of Allstate Insurance Company (CV11C0028639; 201601276, 201619553), CHASE BANK USA, N.A. (201471109), Damani Law Firm (201533594), CITIBANK N.A. (1075493), Synchrony Bank (CV41C0227549), Bank of America N.A. (CV82C0035741) and Memorial Hermann Medical Group (1078328;201610932).
3. Affiant has no governmental entitlement income, no employment income, no any other income or assets, no savings, no retirement funds, has checking account with the American First National Bank - ending at *477 $100.00. Affiant has no free legal support and free services in any legal case, no property owned.
4. Affiant has no dependents, no spouse. Affiant has borrowed $123,867 cash from friends due to the need to pay his living and exponentially increasing medical expenses (paragraph 6 hereafter). Said amount comprises his current debt Affiant has to pay back in $1,981.16 monthly installments but now is unable to do so.
5. Affiant's monthly expenses include rent $600, medications & med procedures $1,950 & food $270.
6. For the first time in his life, several times in the fall of 2015 and in 2016 Affiant has suffered heart failures with myocardial infarctions affecting pacemaker (progressing permanent heart damage) inflicted by named above and other businesses, and complicated with his sudden progressing acute leg veins insufficiency and anatomical feet deformation along with now four stokes in 2016. Said heath changes irreversibly changed / damaged his life quality. Now, no longer Affiant can work to generate earnings, and lost ability to sleep due to severe pain and suffering.
7. Affiant's cash reserves dropped below $101.00 on his checking account, and Affiant lost his ability to pay all his expenses and purchase life-saving medications to deal with his progressively deteriorating health. Heart failures with myocardial infarctions are progressing permanent heart injury, which along with his strokes and acute leg veins insufficiency prevent Affiant from doing any work to generate income. Therefore, Affiant is unable to pay nothing including but not limited to the court costs and any legal costs at all including but not limited to attorney fees.
8. "I am unable to pay the court and any other costs. I certify that the statements made in this affidavit are true and correct to the best my knowledge and belief."

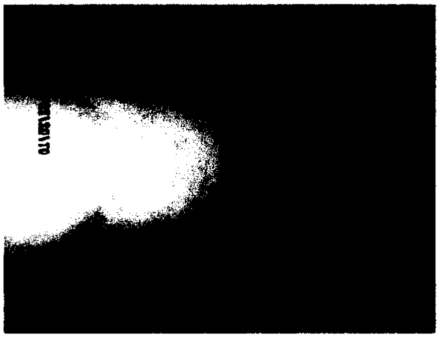
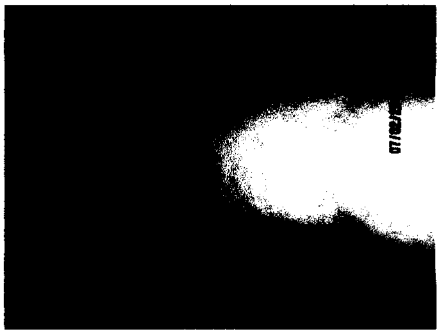
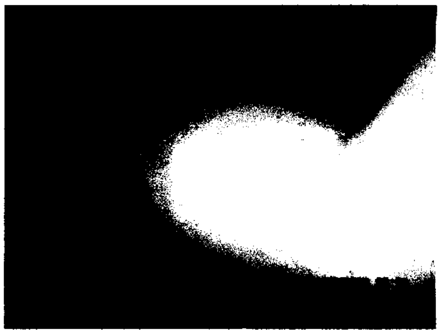
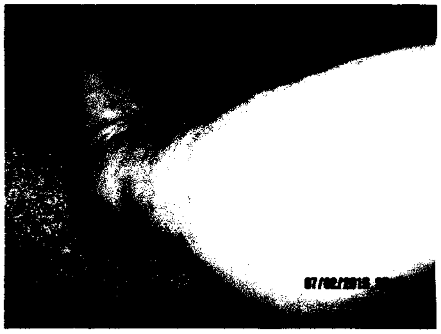
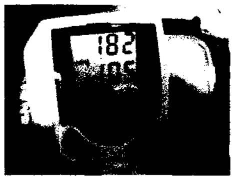
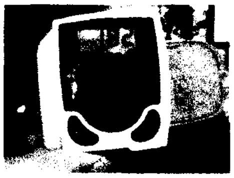
Dr. MICHAEL (MIKHAIL) V. TYURIN ______________________
Affiant's Printed Name — Affiant's Signature

Subscribed and sworn to before me, on this 06th day of July 2016,

______________________ Notary Public in and for the State of Texas

My commission expires on 02-03-2020

BIANCA MARTINEZ
Notary Public, State of Texas
Comm. Expires 02-03-2020
Notary ID 130522530

Plaintiff's Catastrophic Physical Injuries Acute Leg Veins insufficiency due to Progressing Stenocardia. Progressing leg / feet damage leading to amputation